

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Hark C. Chan	Examiner:	Nano, Sargon N
Serial No.:	09/836,397	Group Art Unit:	2157
Filed:	Apr. 17, 2001	Docket No.:	LOCREM-01
Title:	A DATA DELIVERY SYSTEM USING LOCAL AND REMOTE COMMUNICATIONS		

RESPONSE TO FINAL REJECTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In the office action dated June 21, 2006, the Office rejected claims 2-20 under 35 U.S.C. 102(e) as being anticipated by Multer. Reconsideration of the present application is respectfully requested in light of the remarks below.

Rejection of Claims 2 and 3 Under 35 U.S.C. 102(e):

Claim 2 recites that at least one member of said apparatus and said at least one portable unit generates non-deterministic digital contents at multiple times without user action at these times. The Office identifies the “delta” in Multer as the claimed non-deterministic digital content. In rejecting claim 3, the Office further states that col. 45, lines 35-40, of Multer teach the use of a random number generator to generate the digital contents (see page 4 of the Office Action). Applicant respectfully disagree.

Col. 45, lines 35-40, correspond to claim 6 of Multer, which recites: “The controller of claim 5 wherein data migration between the first network coupled device and the second network device takes place in the form of at least one transaction and the unique

identification generator provides a unique identification to each of said at least one transaction.” Nothing in the quoted sentence indicates that a random number generator is used. The Office might have identified the “unique identification generator” with a random number generator. Note that nothing prevents a random number generator from generating repeat numbers (e.g., the same face can appear when a dice is thrown two consecutive times). As a result, it is unlikely that a random number generator is used as the unique identification generator. On the other hand, a simple way to generate unique identification is to generate sequential numbers starting from the number 1 (e.g., 1, 2, 3, etc.). In this way, all the numbers are unique. Thus, Multer does not teach the generation of non-deterministic digital contents.

Returning now to claim 2, the “delta” in Multer is not non-deterministic. Multer describes “delta” as follows: “Difference information Δ comprises only the changes to System B's data which have occurred on System B and instructions for implementing those changes.” (col. 5, lines 27-30). The changes are not random and are caused by conscious action by a user of System B. The changes are determined by the user. In fact, a good system strives to keep out random data (e.g., some memory systems have error correction ability, such as parity bits), let alone using complicated mechanism to preserve random data.

In view of the significant differences between the disclosure in Multer and claims 2-3 of the present application, applicant believes that these two claims are patentable over Multer.

Rejection of Claims 4-11:

Claims 4-11 depend from claim 2. Because claim 2 is patentable over Multer, these claims are also patentable over Multer on at least the same basis.

Rejection of Claims 12-20:

Claim 12 recites “generating non-deterministic digital contents.” For the reasons stated in connection with claim 2, Multer does not teach generating non-deterministic digital contents. Consequently, claim 12 is patentable over Multer.

Claims 13-20 depend from claim 12. Because claim 12 is patentable over Multer, these claims are also patentable over Multer on at least the same basis.

Applicant believes that all grounds of rejection have been satisfactorily answered. The allowance of the present application is respectfully urged.

The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16 and 1.17 that may be required, and to credit any overpayment, to Deposit Account No. 03-1243 (Our Docket No. LOCREM-01).

Respectfully submitted,

Date: July 20, 2006
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Hark C. Chan